IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 12008 of 2007(D)

PETITIONERS:

1. **MRS. RAJITHA V.K., KARIANGATTIL HOUSE, KALLETTUMKARA P.O., THRISSUR - 680 683.**
2. **MR.SHAJIMON S., SHAJI MANZIL, KANNIMEL, PATTAZHI P.O., KOLLAM - 691 522.**
3. **MR.MANOJ KURUP, PAZHAGIYIL KARTHIKA BHAVAN, KOZHENCHERRY P.O., PATHANAMTHITTA DISTRICT. (1 TO 3 AS ASST. MANAGER VEGITABLE AND FRUIT PROMOTION COUNCIL KERALA, THIRUVANANTHAPURAM).**
4. **MS. SOPHY SARA MATHEW, PUTHIYAMADATHIL, ARANMULA P.O., 689 533, PATHANAMTHITTA DISTRICT. (RECEIPTIONIST VEGITABLE AND FRUIT PROMOTION COUNCIL KERALA, THIRUVANANTHAPURAM).**

BY ADV. SRI.S.RADHAKRISHNAN
SRI.S.RAMESH(VAIKOM)

RESPONDENTS:

1. **THE SECRETARY, DEPARTMENT OF AGRICULTURE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE AGRICULTURE PRODUCTION COMMITTEE GOVERNMENT OF KERALA.**
3. **VEGETABLE AND FRUIT PROMOTION COUNICL KERALAM, REPRESENTED BY ITS SECRETARY, MYTHRI BHAVAN, NEAR DOORDARSAN KENDRA, KAKKANAD, KOCHI - 682 037.**

4. THE CHIEF EXECUTIVE OFFICER,
VEGETABLE AND FRUIT PROMOTION COUNCIL KERALAM,
MYTHRI BHAVAN, NEAR DOORDARSHAN KENDRA,
KAKKANAD, KOCHI - 682 037.

BY ADV. SRI.N.SUGATHAN FOR R3 AND R4
GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.12008/2007

APPENDIX

PETITIONERS EXHIBITS

EXT.P1(a), (b), © & (d): TRUE COPIES OF THE APPOINTMENT ORDERS OF THE PETITIONERS.

EXT.P2: A TRUE COPY OF THE RELEVANT EXTRACT OF THE RESOLUTION DATED 25.1.2006.

EXT.P3 (a), (b), ©, & (d): TRUE COPIES OF THE TERMINATION LETTERS ISSUED TO THE PETITIONERS IS PRODUCED HEREWITH AND MARKED AS

EXT.P4: A TRUE COPY OF THE NOTIFICATION ISSUED DURING AUGUST 2004 BY THE VFPCK.

EXT.P5: A TRUE RELEVANT EXTRACT OF THE JOB DESCRIPTIONS OF VFPCK REVISED DURING FEBRUARY 2001.

EXHIBITS OF R3

EXT.R3(a): TRUE COPY OF NOTIFICATION DATED 21.1.2005 ISSUED BY THE COUNCIL.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 12008 OF 2007
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Dated this the 7th day of August, 2007

J U D G M E N T

The prayer of the petitioners is to declare that they are entitled to continue in service by virtue of their original appointment and that Ext.P3 series terminating their service is violative of their fundamental rights. Petitioners are also seeking to have Ext.P3 series quashed and to direct the respondents to reinstate them in service.

2. Admittedly, it was in response to Ext.P4 notification issued by the 3rd respondent that the petitioners had submitted their applications and were eventually appointed. Ext.P1 series of orders of appointment itself show that their appointment was contractual in nature, and the period and other terms of engagement were also indicated in the appointment orders itself. It is accepting these terms that the petitioners joined service. It is on the

expiry of the period, their services were sought to be dispensed with by the authorities concerned. The appointment being contractual in nature, the right of the petitioners are covered by Ext.P1 series of orders. In this case, they were permitted to continue for the full term and therefore none of their legal or contractual rights are affected by Ext.P3. I do not see anything illegal in Ext.P3 for that reason.

3. Petitioners rely on Ext.P2, a resolution passed by the 3rd respondent on 25/1/06 and according to them, the 3rd respondent had resolved to regularise all contractual staff, who have completed one year of service. On this basis, it is contended that petitioners having completed one year of service on contract basis, their services ought to have been regularised in pursuance to Ext.P2 resolution. This contention of the petitioners is rightly disputed by the counsel for the 3rd respondent by contending that the

resolution was to regularise all contract staff, who have completed one year of service as on the date of the resolution dated 25/1/06. It is stated that in pursuance to the resolution, those who had satisfied the conditions of the resolution, that is completion of one year of service as on the date of resolution, were regularised. Ext.P1 series were issued on the eve of the resolution or immediately thereafter and none of the petitioners satisfy the requirements of the resolution. If that be so, they are not entitled to the benefit of regularisation as contemplated in the resolution. I do not see anything illegal in Ext.P3, in as much the petitioners have no right to continue beyond the period for which they were engaged on contract basis.

The writ petition is devoid of any merit and it is only to be dismissed and I do so.

ANTONY DOMINIC, JUDGE.

Rp